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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re U.S. Patent Application of

WATANABE et al.

Application Number: 09/870,630

Filed: June 1, 2001

For: SIGNAL PROCESSING CIRCUIT

Attorney Docket No. NITT.0017

Art Unit 2112

Examiner Myers,  
Paul R.

RECEIVED

OCT 01 2004

OFFICE OF PETITIONS

Honorable Assistant Commissioner  
for Patents  
Washington, D.C. 20231

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED**  
**CLAIM FOR PRIORITY**  
**PURSUANT TO 37 C.F.R. § 1.78(a)(3)**

Sir:

This paper is a petition to accept an unintentionally delayed claim for priority under 35 U.S.C. § 120 pursuant to 37 C.F.R. § 1.78(a)(3).

As to the requirement under 37 C.F.R. § 1.78(a)(3)(i), submitted concurrently herewith is a Supplemental Amendment requesting insertion of the reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2) requesting insertion before TECHNICAL FIELD on page 1 of the above-referenced application the following paragraph:

**This application is a continuation of PCT Application Number PCT/JP98/05449 filed on December 3, 1998, which designates the United States, and claims priority therefrom under 35 U.S.C. § 120.**

As to the requirement under 37 C.F.R. § 1.78(a)(3)(ii), a check for \$1,430.00 including the \$1,300.00 surcharge set forth in 37 C.F.R. § 1.17(t), and the petition fee of \$130.00 for the instant petition, together with an authorization to charge **Deposit Account Number 08-1480** in

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01 FC:1460 130.00 OP  
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02 FC:1454 30.00 DA 1300.00 OP

Repln. Ref: 11/30/2004 A-33-LE 0009195400  
DAH:081480 Name/Haber: 09870630  
FC: 9204

Instant date: 11/30/2004 AKELLEY  
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FC:1460 -130.00 OP

the concurrently submitted check is deficient as to payment of these or other required fees in relation to the filing of this paper.

As to the required statement under 37 C.F.R. § 1.78(a)(3)(iii), it is respectfully submitted that the entire delay between the date the aforementioned claim for priority was due under 37 C.F.R. § 1.78(a)(2)(ii) and date of the concurrently filed Request For Priority Under 35 U.S.C. § 120, the claim for priority, and the concurrently filed Supplemental Amendment adding the claim for priority to the specification of the above referenced application was unintentional and due to an administrative oversight at the time of the original filing of the above-referenced application on June 1, 2001.

In view of the foregoing, Applicants are respectfully requesting that the Commissioner (1) accept the above-Unintentionally Delayed Claim for Priority; and (2) grant the above referenced application the claim of priority to PCT Application Number PCT/JP98/05449 filed on December 3, 1998, which designates the United States, and claims priority therefrom under 35 U.S.C. § 120.

It is respectfully noted that on September 21, 2004, a phone conference was had with Petitions Examiner Hicks, in relation to the filing of the instant petition and the concurrently filed Supplemental Amendment and Request For Priority Under 35 U.S.C. § 120, the claim for priority, to properly claim priority to PCT Application Number PCT/JP98/05449 filed on December 3, 1998. This assistance of the Examiner is greatly appreciated.

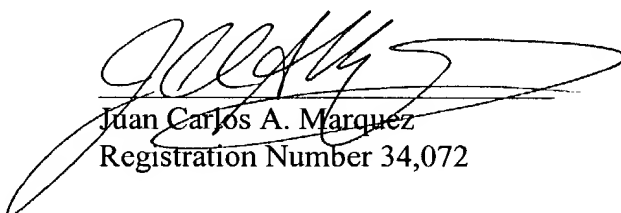
Wherefore, Applicants respectfully submit that they have fulfilled all of the requirements of 37 C.F.R. § 1.78(a)(3), and respectfully request that the instant Petition to Accept Unintentionally Delayed Claim For Priority Pursuant to 37 C.F.R. § 1.78(a)(3) be granted, and that the aforementioned claim for priority be accepted.

If additional fees are required or the concurrently submitted check is deficient for payment of any fees required in relation to filing this paper, please charge any fees or credit any overpayments in connection with this paper to Deposit Account No. 08-1480.

Respectfully submitted,

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**September 27, 2004**

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND									
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